

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), and (e)**  
**for**  
**Wednesday, August 24, 2011**  
**10:00 a.m.**  
**Sacramento, California**  
**&**  
**West Covina, California**

**TO: Members of the California Occupational Safety and Health Appeals Board**

**FROM: J. Jeffrey Mojcher, Chief Counsel**

**DATE: August 11, 2011**

**RE: Closed Session of the Board to be held on August 24, 2011**

Pursuant to Government Code section 11126, subdivisions (a), (c)(3), and (e) and the Labor Code sections 6609 and 6620, the Appeals Board will hear the following items in Closed Session.

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**DECISIONS OF ADMINISTRATIVE LAW JUDGES:**

*(Written decision issued by an Administrative Law Judge. The decision summarizes the evidence received from the Division of Occupational Safety & Health and the Employer, makes findings of fact for all issues involved in the appeal and gives reasons and grounds for the decision. The Board Members review the decision and decide if they will reconsider the ALJ decision on their own motion.)*

1. AES HUNTINGTON BEACH LLC, 10-R3D1-2260 THROUGH 2262
2. BILL NELSON GENERAL ENGINEERING, INC., 09-R2D5-3769 AND 3770
3. CA PRISON INDUSTRY AUTHORITY – SAN QUENTIN STATE PRISON, 09-R1D5-2459 THROUGH 2461
4. DUMPLING MASTER, INC. DBA DUMPLING MASTER RESTAURANT, 10-R6D5-3959 AND 3960
5. GUILLAUME GRAPEVINE NURSERY, INC., 08-R2D1-3273

**ORDERS OF ADMINISTRATIVE LAW JUDGES:**

*(Written order issued by an Administrative Law Judge after a pre-hearing conference in which the Division of Occupational Safety & Health and the Employer agree to settle an*

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*appeal without a hearing. The Board Members review the order and decide if they will reconsider or remand the issued order.)*

1. AGILEX FLAVORS & FRAGRANCES, INC., 10-R6D2-3421 THROUGH 3425
2. MANUEL AGUILAR DBA QUALITY AUTO BODY AND PAINT, 11-R6D7-0370
3. AKIL CONSTRUCTION, 11-R3D6-0185 AND 0186
4. ANGELUS PLATING WORKS, 10-R4D1-3289 THROUGH 3296
5. APCCO, 10-R6D3-0500 AND 0501
6. BRIAN DODDS CONSTRUCTION, 10-R1D2-0649
7. CA. CONSERVATION CORPS., 10-R2D1-2590
8. CA. FOOD AND AGRICULTURE, 10-R2D1-3392
9. LEANNE M. CAMISA, M.D., 10-R2D1-0418 THROUGH 0420
10. CAPITAL STEEL FABRICATORS, INC., 10-R4D1-1671 AND 1672
11. CENTINELA CONCRETE VAULT CO. DBA ENDERLE VAULT CO.,  
10-R4D1-1583 AND 1584
12. CINCO IRON WORKS, 10-R6D2-3429 THROUGH 3433
13. COMCAST CABLE COMMUNICATIONS, 10-R2D2-0729
14. COMMERCIAL GUTTER, INCORPORATED, 10-R2D1-3812 AND 3813
15. CONOCO PHILIPS COMPANY, 10-R6D3-1523 AND 1524
16. CREEKSIDE AUTO GROUP DBA CAPITOL TOYOTA,  
10-R1D2-1025 AND 1026
17. CUBIC DESIGN SPECIALTY, INC. DBA CUBIC INTERIOR DESIGN,  
10-R6D2-2008 AND 2009
18. CVS PHARMACY, 09-R1D4-4007
19. D'ARRIGO BROTHERS CO. OF CALIFORNIA, 09-R1D2-3044 AND 3045
20. DESIGN BLUE, INC., 10-R4D1-3335

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21. FALCONE GENERAL ENGINEERING, INC., 10-R4D1-3909
22. ROBERTO AARON FAVELA DBA R.A. FAVELA CONSTRUCTION CO.,  
11-R6D5-0721
23. HARRISON BEVERAGE, INC., 10-R3D6-3251 THROUGH 3253
24. HENRY MECHANICAL, 10-R1D5-0476
25. HERMAN WEISSKER, INC., 10-R3D1-2973
26. HOMETIME WINDOW, INC., 11-R6D2-0224 THROUGH 0228
27. J. C. FARM SERVICES, INC., 10-R2D1-0524
28. J. C. PAPER, 08-R1D4-1823 AND 1824
29. KPRS CONSTRUCTION SERVICES, INC., 11-R3D6-0890
30. LOS ANGELES COUNTY SHERIFF'S DEPARTMENT – MEN'S CENTRAL  
JAIL, 11-R4D1-0855
31. MEINEKE, 10-R2D1-1049
32. MONTEBELLO CONTAINER CORPORATION, 10-R3D6-3019 AND 3020
33. JOSE MONTEON, 09-R6D7-3921 AND 3922
34. NEWPORT CUSTOM WOODWORKING, 10-R6D2-3470
35. NORM'S RESTAURANT, 11-R3D5-1058
36. PACIFIC CLEANING SERVICES, INC., 11-R3D3-0961
37. PACIFIC COAST CONSTRUCTION, 10-R4D1-2639 THROUGH 2641
38. DAN ROBERT PASQUINI DBA DAN PASQUINI, GENERAL BUILDING  
CONTRACTOR, 10-R2D2-0870
39. PLUMBING, PIPING AND CONSTRUCTION, INC., 11-R3D1-0459
40. RIVERSIDE CONSTRUCTION COMPANY, INC., 11-R3D3-1022 AND 1023
41. S.F. – RECREATION & PARKS DEPT., 09-R1D1-2872 AND 2873
42. SAMMY'S BURGERS SUBS & TACOS DBA SAMMY'S BURGERS,

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11-R6D5-0640 AND 0641

43. SIERRA NEVADA CHEESE COMPANY, 10-R2D1-3326

44. SONOMA COMPOST COMPANY LLC, 10-R1D5-1694 AND 1695

45. T & C ROOFING, INC. DBA TOWN AND COUNTRY ROOFING, 10-R2D2-0804

46. TORRANCE TRANSMISSION, INC., 11-R3D5-1024

47. VALLEY PALLET, INC., 11-R6D5-1397 THROUGH 1400

48. ALBERTO VELASQUEZ DBA ALBERT'S KUSTOM COLORS,  
11-R6D5-0610 AND 0611

49. VEST, INC., 10 R4D2-3410 THROUGH 3413

50. WATSON ROOFING, INC., 09-R2D2-0237

51. WATTLE CREEK WINERY, 09-R1D1-4098

**ORDERS DISMISSING APPEALS:**

1. CENTRAL VALLEY FARM SERVICES, 09-R2D4-3880
2. PRECISION DESIGN & MFG., 11-R3D6-0187 THROUGH 0189
3. ST. JOSEPH HEALTH SYSTEM – SONOMA COUNTY, 10-R1D5-1327

**ORDER DENYING LATE APPEAL:**

1. NEW CENTRAL AUTO CENTER, INC., 11-R6D5-9131

**ORDERS DENYING LEAVE TO FILE LATE APPEALS:**

1. P.G.&E. CORPORATION DBA PACIFIC GAS & ELECTRIC CO., 11-R4D3-9132
2. TERI ART, INC., 11-R6D5-9129
3. US TEXTILES PRINTING, INC., 11-R4D2-9130

**STIPULATIONS:**

1. ALFARO FARM LABOR CONTRACTOR, 09-R2D2-1975
2. BIMBO BAKERIES USA, INC., 10-R6D2-1096 THROUGH 1101

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3. BIMBO BAKERIES USA, INC., 10-R6D2-3523 AND 3524
4. JOHNSTON FARMS, 08-R2D5-4762 AND 4763
5. LONGS DRUG STORES CALIFORNIA LLC, 11-R1D4-0295
6. REYNOLDS PACKING CO., INC. DBA M & R PACKING COMPANY.,  
10-R2D4-0963 AND 0964
7. SAN BENITO SUPPLY, 10-R5D1-3659

**PETITIONS FOR RECONSIDERATION:**

1. SCULPT GARDENS, INC., 11-R1D3-9108
2. STRATEGIC OUTSOURCING, INC., 10-R2D5-0734 THROUGH 0739
3. STRATEGIC OUTSOURCING, INC., 10-R2D5-0905 THROUGH 0914
4. WAMC COMPANY, INC. DBA CONTINENTAL MANAGEMENT COMPANY,  
10-R3D2-0211 THROUGH 0213

**DENIALS OF PETITIONS FOR RECONSIDERATION (DRAFTS):**

1. CLARK PACIFIC DBA PACIFIC EMBEDDED PRODUCTS, 10-R6D2-0188  
THROUGH 0191
2. SHIHO SEKI DBA MAGICAL ADVENTURE BALLOON RIDES, 11-R3D3-0477
- UNITED PIZZA, INC. DBA PAPA JOHN'S PIZZA STORE #1899,  
3. 09-R2D1-3295 AND 3296

**DECISIONS AFTER RECONSIDERATION (DRAFTS):**

*(If the Appeals Board grants a petition for reconsideration it reviews the facts of the appeal and then issues a decision after reconsideration upholding, reversing or modifying the underlying ALJ decision.)*

1. A & C PALLETS, 10-R6D5-1687 AND 1688
2. AARON METALS COMPANY, INC., 09-R1D4-2137 AND 2138
3. AC TRANSIT, 08-R1D4-0135
4. AGRI-VALLEY IRRIGATION, INC., 07-R2D5-3785 AND 3786
5. AGWOOD MILL & LUMBER, INC., 08-R1D5-1068

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6. VERNON MELVIN ANTONSEN & COLLEEN K. ANTONSEN, INDIVIDUALLY  
DBA ANTONSEN CONSTRUCTION, 06-R2D3-1272
7. ANNING-JOHNSON COMPANY, 06-R1D3-1976
8. BAY AREA RAPID TRANSIT DISTRICT, 09-R2D2-1219 AND 1221
9. BOBERG ENGINEERING & CONTRACTING, INC., 06-R3D3-4963
10. BRUNTON ENTERPRISES DBA PLAS-TAL MFG. CO.,  
09-R6D2-2239 THROUGH 2241
11. BURBANK RECYCLING, INC., 10-R4D3-0562 AND 0563
12. BURRTEC WASTE INDUSTRIES, INC., 10-R3D3-9222
13. BURTON L. SILVA FARMS, 09-R1D2-1498
14. C & M FINE PACK, INC. 07-R6D2-4149 THROUGH 4155
15. C.C. MYERS, INC., 08-R1D1-952 THROUGH 955
16. CA CORRECTIONS, 08-R2D5-0975 THROUGH 0978
17. CA RASMUSSEN, INC., 08-R4D5-219 AND 220
18. CALIFORNIA INTERSTATE EXPRESS, 09-R4D2-3460
19. SILVIA CASTRO, MIGUEL CASTRO DBA SILVIA CASTRO FLC,  
09-R2D4-1900
20. CITY OF FOSTER CITY, DEPT. OF PUBLIC WORKS, 09-R1D3-4195
21. CJI PROCESS SYSTEMS, 09-R6D2-1333 THROUGH 1336
22. CLINE CELLARS, INC., 08-R1D5-2946
23. MARIA DE LOS ANGELES COLUNGA dba MERCED FARM LABOR  
08-R6D5-3466 AND 3467
24. COMMERCIAL METAL FORMING, 09-R3D1-1592
25. CONTRA COSTA ELECTRIC, INC., 09-R1D4-3271, 3272 AND 3960
26. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387

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27. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038
28. DAKOTA COMPANIES UNLIMITED, 05-R4D3-392 AND 393
29. DESIGN BUILDERS, INC., 08-R4D4-1901
30. JOAQUIN DUARTE DBA PROFESSIONAL TREE SERVICE, 09-R3D3-1111
31. DUKE PACIFIC, INC., 06-R3D3-5175 THROUGH 5177
32. DUKE PACIFIC, INC., 08-R3D3-574
33. DUININCK BROS., INC., 06-R4D3-2871
34. EPSILON ELECTRONICS, INC. DBA POWER ACOUSTIK ELECTRONICS,  
09-R6D2-2325 THROUGH 2332
35. ESTENSON LOGISTICS LLC 05-R1D4-1755 AND 1756
36. EZ MIX, INC., 08-R4D3-1898
37. FORTUNA IRON WORKS 06-R2D3-4222
38. G.T. ALDERMAN, INC., 05-R4D3-3513
39. GENERAL TRUSS CO. INC., 06-R2D1-783 AND 784
40. HB PARKCO, 07-R4D2-1730 AND 1731
41. THE HERRICK CORP., 07-R3D1-495
42. INDUSTRIAL MASONRY, INC., 07-R3D2-735 AND 736
43. INTERNATIONAL ALUMINUM CORPORATION, 09-R6D2-1185
44. IRWIN INDUSTRIES, INC., 08-R6D4-1454 THROUGH 1456
45. JENSEN PRECAST, 05-R2D1-2377
46. JOHN M. FRANK CONSTRUCTION, 06-R4D3-968
47. KELSO'S AUTO DISMANTLING AND AUTO SALES, 10-R2D4-0165
48. KINDER MORGAN ENERGY PARTNERS, LP., 05-R5D1-2013 AND 2014
49. L & S CONSTRUCTION, 10-R3D2-1822

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50. LA MINA CANTINA, 09-R2D5-0039
51. LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844
52. LAST CHANCE, INC. DBA A STAR RECYCLING, 10-R4D3-3468 AND 3469
53. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
54. LION RAISINS, INC., 08-R2D5-2253 AND 2254
55. L N I CUSTOM MANUFACTURING, 10-R6D2-9154
56. LOS ANGELES, CITY OF, HOUSING AUTHORITY, (HACLA), 05-R4D2-2541
57. LOS ANGELES, COUNTY OF, DEPT. OF PUBLIC WORKS, 07-R4D2-2540
58. MARINE TERMINALS, 08-08-R6D2-1920
59. MCM CONSTRUCTION, INC., 10-R4D3-2498 THROUGH 2500
60. MICHELS CORP. DBA MICHELS PIPELINE CONSTRUCTION, 07-R5D1-4274
61. MILLENIUM GENERATION, INC., 08-R4D3-5047
62. MOOREFIELD CONSTRUCTION, INC., 10-R3D5-9207
63. MORE GUSTO CATERING DBA EL CHOLO CATERING, 10-R4D1-1298
64. NEWMAN FLANGE & FITTING COMPANY, 07-R2D4-2581 THROUGH 2583
65. NIBBI BROTHERS ASSOCIATES, INC., 07-R1D1-2494
66. PARAMOUNT FARMS, KING FACILITY, 09-R4D3-0864
67. PERFORMANCE CONTRACTING GROUP DBA PERFORMANCE  
CONTRACTING, INC., 08-R2D1-0025 AND 0026
68. POUK & STEINLE, INC., 09-R3D3-0491
69. R & L BROSAMER, INC., 03-R1D5-4832
70. RAMON ARANDA dba I & R PALLETS, 10-R6D5-9053
71. RIEZEBOS CONSTRUCTION, INC., 08-R2D5-1730
72. JOSH AND CARRIE SALAZAR DBA CJ MANUFACTURING, 09-R6D2-1710



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73. SAN FRANCISCO FIRE DEPARTMENT, 09-R1D1-0655
74. SANTA ROSA CITY TRANSIT AND PARKING DEPARTMENT, 05-R1D5-1417
75. SHEEDY DRAYAGE COMPANY, 06-R1D4-3053 THROUGH 3055
76. SHIMMICK-OBAYASHI, 08-R3D3-5023 THROUGH 5025
77. SMUD, 08-R2D1-4887 THROUGH 4889
78. MARTIN J. SOLIS, DBA SOLIS FARM LABOR, 08-R2D1-3415
79. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR,  
08-R2D1-3414 THROUGH 3418
80. SONORA REGIONAL MEDICAL CENTER, 10-R2D4-0162
81. STAFFCHEX, 10-R4D3-2456 THROUGH 2458
82. SUNOPTA FRUIT GROUP, 09-R3D1-9245
83. SUNRISE GROWERES FROZSUN FOODS, 09-R4D3-2850
84. A. TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 09-R5D1-2443
85. TEICHERT & SON, INC., A CORPORATION DBA TEICHERT  
AGGREGATES, 04-R5D2-850 AND 851
86. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION,  
05-R2D4-2650 AND 2651
87. UNITED PARCEL SERVICE, 07-R3D3-3322
88. WEBCOR CONSTRUCTION, 06-R1D1-2093 THROUGH 2095
89. WINCHESTER CONSTRUCTION, 08-R4D3-4709 AND 4710
90. WINDSOR CHICO CREEK CARE AND REHABILITATION CENTER LLC,  
10-R2D1-0263

**LEGISLATION**

*(Review and discuss current legislation which may affect the Appeals Board)*

1. SENATE BILL 829

**PENDING LITIGATION:**

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*(If the Division of Occupational Safety & Health or the Employer disagrees with a decision after reconsideration or a denial of a petition for reconsideration, either one or both parties may apply to the California Superior Court for a writ of mandate. The Appeals Board receives legal advice from its Legal Unit and provides policy direction regarding pending litigation.)*

**SUPERIOR COURT:**

1. JERLANE, 37-2009-00059323-CU-WM-NC (08-1733)
2. E.L. YEAGER CONSTRUCTION COMPANY, INC. (DOSH v OSHAB), 34-2007-00882192-CU-WM-GDS, (01-3261)
3. MCI WORLDCOM, 34-2008-00006043-CU-WM-GDS (DOSH v. OSHAB) (00-440)
4. SHIMMICK CONSTRUCTION CO., 34-2008-80000121-CU-WM-GDS (06-1136)
5. XL CONSTRUCTION, 34-2009-80000300 (08- 1191/1193)
6. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
7. WEBCOR BUILDER, INC., 34-2010-80000439 (06-R1D1-3030/3032)
8. WPCS INTERNATIONAL SUISUN CITY, INC., 34-2010-80000430 (09- 9280/9281)
9. FRESNO PRODUCE, CO., INC., 10CECG02394 (10-R6D1-9064)
10. GRANITE CONSTRUCTION CO., INC., (DOSH V OSHAB) 34-2010-800006047 (07-R5D1-3611)
11. CLARK PACIFIC, A GENERAL CALIFORNIA PARTNERSHIP, 34-2010-80000640 (08-R2D1-0027 THROUGH 0030)
12. EMERSON RUSSELL MAINTENANCE CO., RG-10543219 (08-R1D4-4167)
13. SMUD, 34-2010-80000723 (08-R2D1-4887)
14. BAY AREA RAPID TRANSIT DISTRICT, 34-2011-80000819 (08-R1D1-5170)
15. MASCON, INC., 34-2011-80000820 (08-R2D1-4178 AND 4279)

**COURT OF APPEAL**

1. HARRIS CONSTRUCTION COMPANY, INC., C065265 (07CS00518) (05-3914)

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2. HARRIS CONSTRUCTION COMPANY, INC., C065265 (07CS00518) (05-3914)

**LEGAL UNIT PROCEDURES:**

1. PROCESSING STIPULATIONS

**PERSONNEL:**

*(Issues regarding staff)*

Any matter not completed at this Closed Session may be continued to subsequent meetings.